

THE HONORABLE RICHARD A. JONES

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)	Case No. CR13-0224-RAJ
)	
Plaintiff,)	
)	ORDER GRANTING DEFENDANT'S
v.)	MOTION TO CONTINUE TRIAL DATE
)	AND TO SCHEDULE A PRETRIAL
JOSEPH RICHARD KALAC,)	MOTIONS DEADLINE
)	
Defendant.)	

THIS MATTER having come before the Court on the motion of Defendant Joseph Kalac, for an order continuing the trial date to February 24, 2014 and scheduling a pretrial motions' deadline of January 23, 2014, and the Court having considered the speedy trial waiver filed by the defendant, the Court now finds and rules as follows: On July 24, 2013, the Grand Jury returned an Indictment charging the defendant, Joseph Kalac, with one count of Possession of Heroin with Intent to Distribute, one count of Possession of a Firearm in Furtherance of a Drug Trafficking Crime, one count of Felon in Possession of a Firearm, all alleged to have occurred on or about April 18, 2013, and finally with one count of Failure to

1 Surrender for Service of a Sentence, alleged to have occurred on or about June 27, 2013.

3 Dkt. #1.

5 Defendant appeared, was arraigned and was appointed counsel on July 26, 2013. Dkt.
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9 ## 6, 7, 10. On August 20, 2013, this Court granted the parties' Stipulated Motion to
11 Continue Trial Date, Dkt. #15, and continued the trial date to December 16, 2013. Dkt. #17.
13 On November 14, 2013, a Superseding Indictment was filed. Dkt. #34. It contains the same
15 four charges as in the original Indictment, in addition to three new charges. Defendant's
17 arraignment hearing on the Superseding Indictment is scheduled for December 5, 2013.
19 Defendant's attorney was traveling outside the United States and unavailable to work on this
21 matter from November 12, 2013 to November 29, 2013.
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25 Under the Speedy Trial Act, the trial of a defendant shall commence within seventy
27 days from the date that an indictment is made public, or from the date the defendant has
29 appeared before a judicial officer of the court in which such charge is pending, whichever
31 date last occurs. 18 U.S.C. § 3161(c)(1). Certain periods of delay are excludable from the
33 Speedy Trial calculation. *See* 18 U.S.C. § 3161(h). In particular, any period of delay
35 resulting from a continuance is excludable if the Court makes a finding that the ends of
37 justice served by the continuance outweigh the best interest of the public and the defendant in
39 a speedy trial. 18 U.S.C. § 3161(h)(7)(A). The factors, among others, which a judge shall
41 consider in determining whether to grant a continuance pursuant to 18 U.S.C.
43 § 3161(h)(7)(A) are set forth in § 3161(h)(7)(B)(i)–(iv).
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1 This is a complex case, which was investigated by both local and federal law
3 enforcement. There are ten to twelve law enforcement witnesses, a cooperating witness and
5 expert witnesses. Defendant faces serious consequences if convicted.

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9 In light of the foregoing, the Court finds that failure to grant the requested continuance
11 would deny the defendant reasonable time necessary for effective preparation, taking into
13 account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(ii), (iv). Therefore, the
15 Court finds that the ends of justice served by the granting of the requested continuance
17 outweigh the best interest of the public and the defendant in a speedy trial. 18 U.S.C. §
19 3161(h)(7)(A).

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23 Therefore, it is hereby ORDERED that the Defendant's Motion to Continue Trial Date
25 and Pretrial Motions Deadline (Dkt. #41) is GRANTED. The trial in this matter is continued
27 from December 16, 2013 to February 24, 2014 at 9:00 a.m. All pretrial motions, including
29 motions in limine, shall be filed no later than January 23, 2014.

31 It is further ORDERED that this period of delay from the date of this order through the
33 new trial date of February 24, 2014 will be excludable time under the Speedy Trial Act under
35 Title 18, United States Code, § 3161(h)(7)(A).

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39 DATED this 5th day of December, 2013.

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45 The Honorable Richard A. Jones
47 United States District Judge
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